

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Kleider et al. |) |
| | |) |
| For: | Method of Multiple-Carrier |) |
| | Communication within a |) |
| | Noncontiguous Wideband |) |
| | Spectrum and Apparatus therefor) |) |
| Serial No.: | 09/690,993 |) |
| | |) |
| Filed: | October 17, 2000 |) |
| | |) |
| Examiner: | Wang, T. |) |
| | |) |
| Art Unit: | 2611 |) |

**TRANSMITTAL OF Amended APPEAL BRIEF
in response to a Notice of Non-Compliant Appeal Brief**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The enclosed brief is being filed in furtherance of the Notice of Appeal filed on April 12, 2007, Notice of Panel Decision from Pre-Appeal Brief Review, mailed June 19, 2007, and in response to a Notice of Non-Compliance, dated October 9, 2007. The present filing date of October 30, 2007, is within the permissible one month term for filing the present brief, measured from the mailing date of the Notice of Non-Compliance.

In connection with the present updated filing, no fee is believed to be due, as the requisite fee for filing the appeal brief was previously accounted for in connection with the previous filing. Nevertheless in the event that the appellant is mistaken and a further fee is in fact due, the undersigned authorizes the Commissioner and respectfully requests that this fee be charged to deposit account 50-2117 of Motorola. The Commissioner is further authorized to charge any additional fees deemed to be necessary in connection with the proper handling and consideration of the enclosed Appeal Brief in support of the appeal from the Examiner's final

rejection, including any underpayments, and/or credit any overpayments to deposit account 50-2117.

In the Notice of Non-Compliance, the Patent Appeal Center Specialist notes a failure to identify the items required under their proper headings, where more specifically, inconsistent wording had been used in the detailed section of the brief corresponding to the summary of the claimed subject matter, and the grounds for rejection to be reviewed on appeal. It may be helpful to call to the attention of the Patent Appeal Center Specialist, the patent office's own guidelines outlined in the Manual of Patent Examination Procedure, §1205.03, which expressly indicates the Examiner should not require a corrected brief for minor non-compliance in an appeal brief, which expressly identifies by way of example the instance where the brief has a minor error in the title of a section heading. Nevertheless, the applicants/appellants are happy to assist the personnel of the patent office in better understanding the appellant's basis for the appeal, to the extent that any confusion has been created as a result of the form of the original presentation, by addressing each of items noted in the received Notification of Non-Compliance.

Respectfully submitted,

BY: /Lawrence Chapa/

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